REMARKS

Reconsideration of the present application is respectfully requested. Claims 1-20 were pending. Claims 1 and 10 have been amended without introducing any new matter. No claims have been added or cancelled. Thus, claims 1-20 remain pending.

The Applicants thank the Examiner for indicating that the objections to the claims have been overcome, as indicated by the advisory action.

The Examiner rejected claims 1, 7, 10, 16, and 20 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,029,141 of Bezos et al. (hereinafter "Bezos"). The Applicant respectfully disagrees and submits that Bezos fails to teach each and every element as claimed by the Applicants in claims 1, 7, 10, 16, and 20.

Bezos describes a internet-based shopping system that allows a merchant web site to sell products utilizing multiple different Web sites, referred to as associate web sites (Bezos, column 1, lines 50-61; column 2, line 48 to column 3, line 7). The merchant site induces associate sites to market the merchant's products by providing referral incentives (Bezon, column 1, line 62 to column 2, line 18; column 11, lines 28-62). Thus, for example, a web site that reviews books is able to refer web traffic to the merchant site so that a reader can purchase the book from the merchant (Bezos, Figure 6). However, products selected from multiple associate web sites are both directed to and fulfilled by the single merchant web site (Bezos, Figure 1., element 106; column 15, lines 51-60; column 2, lines 8-13).

With respect to claim 1, as amended, the applicants claim:

A method to be performed on a computing device for providing improved assignment of product orders to one or more of a plurality of fulfillers, the method comprising:

receiving an order that requires fulfillment from one or more of the plurality of fulfillers, said order comprising individual order items;

ranking said plurality of fulfillers from most favorable to least favorable, based on specified criteria;

when all order items of the order can be fulfilled by a single fulfiller, assigning fulfillment of the entire order to the most-favorable fulfiller that can fulfill all order items; otherwise

splitting the order by assigning fulfillment of individual order items to the most-favorable fulfillers that collectively can fulfill all order items.

The Applicants respectfully submit that Bezos fails to teach each and every element as claimed in claim 1.

Claim 1 provides for "receiving an order that requires fulfillment from one or more fulfillers, said order comprising individual order items; [and] ranking said plurality of fulfillers from most favorable to least favorable, based on specified criteria." Bezos, however, only mentions a single merchant site, such as AMAZON.COM, where orders are merely referrals from associate sites (Bezos, Figure 1, element 106). The shopper, when selecting a link to purchase a product at an associate website, is directed automatically to the single merchant site without regard for any desired qualities or rankings of the single merchant site. Therefore, the Applicant submits that Bezos fails describe "receiving an order that requires fulfillment from one or more of the plurality of fulfillers, said order comprising individual order items; [and] ranking said plurality fulfillers from most favorable to least favorable, based on specified criteria" as Bezos only describes automatically directing an order to a single fulfiller.

Furthermore, because Bezos only describes a single merchant for fulfilling orders, Bezos cannot logically describe ranking a plurality fulfillers. Thus, Bezos also fails to describe "ranking said plurality of fulfillers from most favorable to least favorable, based on specified criteria." Therefore, Bezos fails to teach each and every element as

claimed by the Applicants in claim 1. The Applicant respectfully submits that Bezos fails

to anticipate claim 1 under 35 U.S.C. § 102. Claim 7 depends from claim 1, and

contains additional features and limitations. Thus, claim 7 is also not anticipated by

Bezos.

Similarly claim 10 recites:

> A method to be performed on a computing device for providing improved fairness when assigning product orders to one or more of a plurality of fulfillers, the method comprising:
> receiving an order that requires fulfillment from one or more of the plurality of fulfillers, said order comprising individual order items;
> determining desirable attributes for fulfilling the order among a set of two or more of available fulfillers;
> ranking the set of two or more fulfillers from most favorable to least favorable, based on said desirable attributes;
> when all of the order items of the order can be fulfilled by a single fulfiller, assigning the order to the most-favorable fulfiller that can fulfill all of the order items; and
> when all of the order items of the order cannot be fulfilled by a single fulfiller, assigning the order to a subset comprising the most-favorable fulfillers that, collectively, can fulfill all order items of the order.

As discussed above, with respect to claim 1, Bezos fails to teach or suggest ranking

multiple fulfillers. Claim 10 recites a limitation of "ranking the set of two or more

fulfillers," Bezos fails to anticipate claim 10. Furthermore, claims 16 and 20 depend on

claim 10, and include additional features and limitations. Thus claims 16 and 20 are

also not anticipated by Bezos.

Claims 1, 6-10, 15, 16, and 20 were rejected under 35 U.S.C. § 102(b) as being

anticipated by U.S. Patent No. 5,402,335 of Spiegelhoff et al. (hereinafter "Spiegelhoff").

The Applicant respectfully disagrees and submits that Spiegelhoff fails to describe each

and every element as claimed in claims 1, 6-10, 15, 16, and 20.

Spiegelhoff describes a computerized system for placing orders with a retailer (Spiegelhoff, column 4, lines 37-62). The system is explicitly described as placing an order with a "primary" wholesaler and "secondary" wholesalers (Spiegelhoff, column 4, lines 37-45). The system must place an order with the primary wholesaler due to contractual obligations or some other preference of the retailer (Spiegelhoff, column 4, lines 43-59). However, once the minimum requirement associated with the "primary" wholesaler is satisfied, the system searches secondary wholesalers for the remaining items in the order, regardless of whether the primary wholesaler can fulfill the entire order (Spiegelhoff, column 7, lines 6-23).

With respect to claim 1, the Applicant claims:

A method to be performed on a computing device for providing improved assignment of product orders to one or more of a plurality of fulfillers, the method comprising:
receiving an order that requires fulfillment from one or more of the plurality of fulfillers, said order comprising individual order items;
ranking said plurality of fulfillers from most favorable to least favorable, based on specified criteria;
when all order items of the order can be fulfilled by a single fulfiller, assigning fulfillment of the entire order to the most-favorable fulfiller that can fulfill all order items; otherwise
splitting the order by assigning fulfillment of individual order items to the most-favorable fulfillers that collectively can fulfill all order items.

The Applicant respectfully submits that Spiegelhoff fails to teach each and every element as claimed in claim 1. Claim 1 recites "if all order items of the order can be fulfilled by a single fulfiller, assigning fulfillment of the entire order to the most-favorable fulfiller that can fulfill all order items; otherwise splitting the order by assigning fulfillment of individual order items to the most-favorable fulfillers that collectively can fulfill all order items." Spiegelhoff merely orders a minimum amount from a primary wholesaler

and then places the remainder of an order at secondary wholesalers. Thus even when

an entire order can be fulfilled by a primary wholesaler, the order is still split between

the primary and the secondary wholesalers, according the method of Spiegelhoff.

Further, because the "primary" wholesaler is defined by Spiegelhoff in terms of a

minimum order amount, no single secondary wholesaler will be able entirely fulfill an

order. As a result, neither kind of wholesaler will be able to entirely fulfill an order

request. Therefore Spiegelhoff teaches away from the limitation claimed in claim 1, that

"if all order items of the order can be fulfilled by a single fulfiller, assigning fulfillment of

the entire order to the most-favorable fulfiller that can fulfill all order items; otherwise

splitting the order by assigning fulfillment of individual order items to the most-favorable

fulfillers that collectively can fulfill all order items."

Therefore, Spiegelhoff fails to teach each and every limitation of claim 1. The

Applicant respectfully submits that Spiegelhoff fails to anticipate claim 1. Claims 6-9

depend from claim 1, and include additional features and limitations. Thus, claims 6-9

are also not anticipated by Spiegelhoff. The Applicant respectfully requests withdrawal

of the rejection.

Claim 10 similarly recites:

> A method to be performed on a computing device for providing improved
> fairness when assigning product orders to one or more of a plurality of fulfillers,
> the method comprising:
> receiving an order that requires fulfillment from one or more of the plurality
> of fulfillers, said order comprising individual order items;
> determining desirable attributes for fulfilling the order among a set of two
> or more of available fulfillers;
> ranking the set of two or more fulfillers from most favorable to least
> favorable, based on said desirable attributes;

when all of the order items of the order can be fulfilled by a single fulfiller, assigning the order to the most-favorable fulfiller that can fulfill all of the order items; and

when all of the order items of the order cannot be fulfilled by a single fulfiller, assigning the order to a subset comprising the most-favorable fulfillers that, collectively, can fulfill all order items of the order.

As discussed above with, respect to claim 1, Spiegelhoff fails to teach assigning the order to the most-favorable fulfiller that can fulfill all of the order items. Spiegelhoff further fails to teach that if the original order could not be fulfilled by a single fulfiller, the order is split. Therefore, Spiegelhoff also fails to teach or suggest the limitation that "if all of the order items of the order can be fulfilled by a single fulfiller, assigning the order to the most-favorable fulfiller that can fulfill all of the order items; and if all of the order items of the order cannot be fulfilled by a single fulfiller, assigning the order to a subset comprising the most-favorable fulfillers that, collectively, can fulfill all order items of the order," as claimed in claim 10. Furthermore, claims 15, 16, and 20 depend on claim 10, and include additional features and limitations. Thus, claim 15, 16, and 20 are also not anticipated by Spiegelhoff.

The Examiner rejected claims 2-5 and 11-14 under 35 U.S.C. § 103(a) as being unpatentable over Spiegelhoff in view of alleged knowledge in the art (official notice). As discussed above, with respect to independent claims 1 and 10, Spiegelhoff fails to teach each and every element as claimed in claims 1 and 10. Furthermore, the Examiner took official notice that "minimizing [shipping] cost is old and well established in the retail business." However minimizing shipping cost fails to teach or suggest fulfilling an order entirely with the primary wholesaler when the primary can fulfill an entire order, because Spiegelhoff automatically splits orders away from the primary

wholesaler. The official notice does not, therefore, supply the limitations missing from Spiegelhoff. Therefore, Spiegelhoff and the Official Notice do not render claims 1 and 10 obvious. Claims 2-5 and 11-14 depend from claims 1 and 10, respectively, and include additional features and limitations. Therefore, claims 2-5 and 11-14 are also not rendered obvious by Spiegelhoff in view of the Official Notice.

Claims 8-9 and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bezos in view of the Allegiance for Telecommunications Industry Solutions' *Telecom Glossary 2K* definition of a hash function (hereinafter "ATIS"). As discussed above, Bezos fails to teach or suggest each and every element of claims 1 and 10. ATIS is a technology glossary that provides a simple definition of what a hash function is. Because, ATIS merely provides a definition of a hash function, ATIS also fails to teach or suggest limitations directed to ranking a plurality of fulfillers. Therefore, Bezos and ATIS, alone or in combination, fail to teach or suggest the limitations of claims 1 and 10. Claims 8-9 and 17-19 depend from claims 1 and 10, respectively, and contain additional features and limitations. Thus, claims 8-9 and 17-19 are also not rendered obvious by Bezos in view of ATIS.

Claims 8-9 and 17-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Spiegelhoff in view of ATIS. As discussed above, Spiegelhoff fails to teach or suggest each and every element of claims 1 and 10. Further, ATIS merely defines a hash function, and therefore also fails to teach or suggest ranking a plurality of fulfillers. Therefore, Spiegelhoff and ATIS, alone or in combination, fail to teach or suggest the limitations of claims 1 and 10. Claims 8-9 and 17-19 depend from claims 1
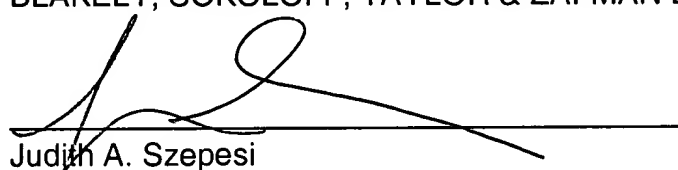
and 10, respectively, and contain additional features and limitations. Thus, claims 8-9 and 17-19 are also not rendered obvious by Spiegelhoff in view of ATIS.

In view of the foregoing amendments and remarks, Applicants respectfully submit that all pending claims are in condition for allowance, and such action is respectfully requested. If a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Judith Szepesi at (408) 720-8300.

If there are any additional charges/credits, please charge/credit our deposit account no. 02-2666.

Respectfully submitted,

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